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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,300	07/22/2003	Nicholas Atkins	ATKN101CIP	7878
21658 7590 07/31/2007 DYKAS, SHAVER & NIPPER, LLP P.O. BOX 877 BOISE, ID 83701-0877			EXAMINER NGUYEN, TUAN N	
			ART UNIT 3751	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

ED

**Office Action Summary**

Application No.

10/625,300

Applicant(s)

ATKINS ET AL.

Examiner

Tuan N. Nguyen

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-9,11-20 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11-20,24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 5/15/07 have been fully considered but they are not persuasive as follow.

With respect to the applicant's traversal of the withdrawn to claim 26, although the lip 116 of Fig. 5 might rolls radially; however, Fig. 5 lacks the flange member 20 of Fig. 1 that allows the lip 16 of Fig. 1 to roll toward to form a "tube." Therefore, withdrawn of claim 26 is proper and hear by made final.

The applicant's interpretation of the Atkins Fig. 6 is not support by the Atkins disclosure but merely based on the applicant's opinion, which is found not persuasive.

The applicant argues that the Atkins reference seal (Fig. 6) will not rolls radially when subject to axial compression. The examiner agrees that upper member 52 move toward the lower member 54 when subject to axial compression; however, the Atkins reference clearly discloses that in lines 2-4 of page 14 that "the vertical body member 53 will tend to collapse, by either radially inward or outward compression." Therefore, the lip 52 would inherently experience the radial movement and downward movement in a "predictable and controlled manner" as inherent by the designed structural, which would broadly meet the claimed limitation since specific degree of rolling has never been claimed.

With respect to the applicant's argument against the obviousness rejection that there is no motivation to combine, the examiner disagrees because the obvious

variation or combination is taught in and by the same reference or the common knowledge from one of ordinary skill in the same art.

The applicant argues in item 18 of the remark section that the ridges of Atkins are vertically projecting O-rings, which do not constitute ridges. The projections (165) in Atkins' Fig. 17 are circular projections from a surface; therefore, they are certainly capable of being the equivalent of the applicant's ridges, which are also circular projections from a surface.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-9, 11-13, 16-18, 20, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/09825 (hereinafter Atkins).

In regard to claims 1, 5, 6, 8, 11, 18 and 22, Atkins discloses a seal (Fig. 6) comprising a generally tubular and substantially resilient body (1) for location between two members to be connected, the body comprising an interior sealing member (about 1A or 53), a deformable lip (52) for abutting one of the members to be connected and having a sealing face (about 52) adapted to form a sealing contact with a surface (40) of the member, the lip being arranged such that the sealing face of the lip would inherently deforms by a radially outer portion of the lip rolling in a predictable and "controlled manner" (see the description for Fig. 6, on page 13) when subject to axial compression.

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The lip provides a generally cylindrical surface profile that is substantially hemicylindrical.

In regard to claims 2 and 3, the body (1) is generally tapered and is generally frustoconical, with an upper portion (1A, 1B) being of greater diameter than the lower portion (1C).

In regard to claim 7, a highest point (about 52) of the lip is positioned radially outward of a mid-point (about 53) of the adjacent body wall (see Fig. 6).

In regard to claim 9, the body (1) further comprises a shoulder (54) located spaced from the lip (52), for spacing the lip from the second member to be connected.

In regard to claims 12 and 13, the above lip would inherently comprise friction-increasing formations thereon since it is made of elastomeric material.

In regard to claims 16 and 17, the above body further comprises a sealing portion having protrusion (22A, 22B) on an outer surface of a body wall for forming a seal between the body and the second member to be connected.

In regard to claim 20, the interior sealing member (about 1A or 53) would inherent deform when subject to force exerted by a member to be connected since the seal is made from elastomeric material.

In regard to claim 24, the lip is certainly capable of being deformed without buckling in a similar manner as that of the applicant's lip.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 15, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkins.

In regard to claims 14, 15 and 25, although the Atkins lip does not include ridges thereon extending substantially circumferentially around the lip as claimed, attention is directed to Fig. 17 of Atkins, which discloses an analogous seal which further includes a lip (167) having ridges (define by 165) thereon extending substantially circumferentially around the lip to increase the sealing effect with the abutting member (see page 18, line 26 et seq.). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ, on the seal of Fig. 6 of Atkins, ridges as, for example, taught by Fig. 17 of Atkins in order to increase the sealing effect with the abutting member.

In regard to claim 19, although the Atkins interior sealing member does not include a diaphragm extending radially within the body as claimed, attention is directed to Fig. 18 of Atkins, which discloses an analogous seal which further includes an interior sealing member (176) that is a diaphragm extending radially within the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ, on the seal of Fig. 6 of Atkins, the diaphragm sealing member as, for example, taught by Fig. 18 of Atkins in order to increase the sealing effect with the abutting member.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to [redacted] whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuan Nguyen  
Primary Examiner  
Art Unit 3751

TN